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2014 Scores

Status: Partly Free

Freedom Rating (1 = best, 7 = worst): 4.5

Civil Liberties (1 = best, 7 = worst): 5

Political Rights (1 = best, 7 = worst): 4

OVERVIEW

In 2013, Libya struggled, amid ongoing security challenges, to work toward a constitutional system following the 2011 overthrow of longtime dictator Mu'ammar al-Qadhafi. Procedures for electing a 60-member assembly tasked with drafting a new constitution were established in July by the General National Congress (GNC), and the country's electoral commission had begun accepting nominations for candidates by year's end.

Although the elected GNC and government continued to issue laws and decrees, their ability to enforce decisions was extremely limited. Meanwhile, growing citizen frustration, particularly with the country's multiple autonomous militias, led to regular protests and demonstrations, some of which ended in violence as participants confronted militias at their bases. In June in Benghazi, 32 people were killed when citizens mobilized to protest abuses by the Libya Shield 1 Brigade. In Tripoli in November, 43 people were killed as demonstrators demanded the withdrawal from the capital of regional militias from Zintan and Misrata. The government of Prime Minister Ali Zeidan promised investigations into the incidents, but there were no criminal prosecutions of the militias involved.

Among other signs of weak central authority and ongoing security threats, several foreign embassies were attacked, the prime minister was briefly kidnapped, and a vehicle carrying some \$55 million belonging to the nation's central bank was robbed in Sirte. Regional militias, armed Islamist groups, international actors, criminal gangs, and smugglers all contributed to the insecurity. Harassment of women and attacks on vulnerable religious communities were serious concerns during the year. The southern border region, where illegal trafficking in arms, drugs, and people is common, has nominally been under martial law since 2012.

Political problems plagued the government, which sought to contend with the demands of both militias and civilian protesters. The independence of the GNC was challenged, notably during an incident in which militias surrounded government ministries in April and May to force the passage of a political exclusion law. The law has been criticized as too broad, potentially barring former

Qadhafi officials from political life even if they had joined the opposition decades ago or defected during the 2011 revolt and contributed to the rebel victory.

In October, a regional group declared self-government in the oil-rich eastern region known as Cyrenaica, and the self-proclaimed authorities announced the creation of a separate state oil company and central bank in November. Militias advocating federalism in the region had shut down oil ports, contributing to the drop in Libya's oil production to as low as 10 percent of the previous capacity; oil production had also been upset by militia activity and peaceful demonstrations elsewhere in the country.

POLITICAL RIGHTS AND CIVIL LIBERTIES

Political Rights: 21 / 40 (-1)

A. Electoral Process: 9 / 12

The prime minister and cabinet are responsible to the 200-member GNC. The GNC, which replaced an unelected National Transitional Council, was elected in July 2012 after a series of delays prompted by continuing insecurity, the need to allow citizens more time to register, and the inability of the transitional government to investigate candidates and finalize preparations. The balloting represented Libya's first parliamentary elections since 1965, and more than 100 parties or lists registered to compete. The National Forces Alliance, a coalition headed by the relatively liberal politician Mahmoud Jibril, led the party-list portion of the voting with 39 of 80 seats, followed by the Muslim Brotherhood's Justice and Construction Party with 17. An array of smaller groups divided the remaining 24 party-list seats, and only independents ran for the 120 majoritarian seats. Election-related violence caused at least two deaths, but fears of extensive fighting and corruption proved unfounded, and the voting was regarded as generally free and fair.

While the GNC's initial choice for prime minister, Mustafa Abushagur, was unable to form a government, its second choice, Ali Zeidan, was named in October, and his cabinet was approved by the Congress. The GNC was tasked with appointing a body that would draft a new constitution, but in February 2013 it decided that the entity would be directly elected instead. It passed an electoral law to govern 2014 elections for the 60-member constituent assembly in July 2013. The High National Election Commission, established as a permanent body by the GNC in March, was responsible for vetting candidates, and nomination and voter-registration processes were under way at the end of 2013.

B. Political Pluralism and Participation: 9 / 16 (-1)

The 2011 uprising created more space for free political association and participation in Libya. Under the Qadhafi regime, political parties were illegal, and all political activity was strictly monitored. While only a few parties initially organized after al-Qadhafi's fall, the 2012 elections prompted a proliferation of over 100 parties or lists that spanned the political spectrum, from socialists to Islamists.

The May 2013 political exclusion law, passed under extreme pressure from militias, allows the barring of individuals from public life based on their past affiliations with the Qadhafi regime. An Integrity Commission was formed in July to carry out the legislation, but human rights groups were challenging its constitutionality at year's end.

Women held 33 seats in the GNC – candidate lists for the proportional-representation seats were required to alternate between men and women – and two seats in the cabinet in 2013. One of the seven national election commissioners was a woman. Six seats in the planned constituent assembly are reserved for women, and two each are reserved for three ethnic minorities – the Amazigh, the Tebu, and the Tuareg people. Moreover, the assembly's 60 seats will be divided equally among Libya's three historic provinces: Tripolitania, Cyrenaica, and Fezzan. Overseas

populations will be allowed to vote. Some groups challenged the fairness of the rules, which give equal numbers of seats to the three ethnic minorities and the three regions despite their widely varying populations. In particular, Amazigh groups, who make up 10 percent of the country's population, objected to their allotment of only two seats. An Amazigh politician, Nouri Abusahmain, was elected as the new GNC president in June after his predecessor resigned due to the exclusion law.

Protests – including some by Amazigh groups that disrupted oil production in western Libya – were mounted during 2013 to push for the inclusion of cultural and linguistic rights of ethnic minorities in the new constitution.

C. Functioning of Government: 3 / 12

The nationwide authority of elected officials is limited in practice by autonomous regional militias and underdeveloped state institutions.

Corruption has long been pervasive in both the private sector and the government in Libya, which was ranked 172 out of 177 countries and territories surveyed in Transparency International's 2013 Corruption Perceptions Index. The fall of the Qadhafi regime raised some hopes that the level of graft would decline, but oil interests, foreign governments, smuggling groups, and armed militias often still wield undue influence, especially in the south, and opportunities for corruption abound in the absence of effective fiscal, judicial, and commercial institutions.

Civil Liberties: 20 / 60 (-1)

D. Freedom of Expression: 8 / 16

The end of the Qadhafi regime, and of the civil war, brought some respite to Libya's long-repressed media sector. Citizen journalism has been on the rise, and more than 100 new print outlets have been established, representing a wide range of viewpoints. In June 2012, Libya's Supreme Court struck down a law that would have restricted any speech deemed insulting to the country's people and institutions. However, media freedom advocacy groups reported an uptick in visa restrictions, filming bans, arbitrary detentions, and deportations of journalists in the months after the GNC elections in July 2012, especially in the name of security after a deadly September 2012 attack on the U.S. consulate in Benghazi. In 2013, journalists faced assaults, brief abductions, and raids on their offices, as well as criminal charges for defamation. News agency photographer Saleh Ayyad Hafyana was killed while covering the antimilitia protests in Tripoli in November.

Nearly all Libyans are Muslims, but Christians form a small minority. The Qadhafi regime closely monitored mosques for signs of religious extremism and Islamist political activity, and Muslims of various religious and political strains have been much freer to organize and debate their points of view since 2011. In some cases, however, this has led to verbal and armed clashes. Some Salafi Muslim groups, whose beliefs preclude the veneration of saints, have destroyed or vandalized Sufi Muslim shrines, and the government has lacked the will and capacity to halt such abuses. Violence against Christians by extremists and state repression of Christians suspected of proselytizing – a criminal offense – increased in 2013. Human rights organizations have called for the rights of religious minorities to be guaranteed in the forthcoming constitution.

Close state supervision of education has been lifted since al-Qadhafi's ouster, and his *Green Book* has been removed from school curriculums. However, laws have not been passed to guarantee academic freedom, and there were some reports of violence affecting school operations in 2013.

E. Associational and Organizational Rights: 5 / 12 (-1)

Freedom of assembly has increased dramatically since 2011. The GNC passed a freedom of assembly law in November 2012 that is generally compatible with international human rights principles. Although the ongoing presence of militia groups and the proliferation of firearms in the country deter peaceful assemblies and the public expression of dissenting views in certain areas, demonstrations by various groups were common during 2012 in the context of the GNC elections and the constitutional drafting process. In 2013, there were a number of protests associated with economic and cultural rights, as well as political interests. Chief among the myriad demands of citizens were calls for the state to disarm and disband militias and to establish a state security structure comprised of a regular army and police force. Some of these demonstrations were held in public spaces, while others marched to the headquarters of militias, where deadly violence ensued.

Although draft laws on freedom of association have yet to be adopted, domestic nongovernmental organizations have been allowed significantly more freedom to operate since the collapse of the Qadhafi regime, and they continued to expand in number and range of activities in 2013. However, political and civic activists faced the risk of violence and assassination. Human rights activist Abdelsalam Musmari, a vocal critic of intimidation by militias, was murdered by unidentified gunmen in Benghazi in July. Trade unions, previously outlawed, have made small strides since 2011, but they are in their organizational infancy and have received little official recognition.

F. Rule of Law: 1 / 16

The roles of the judiciary and Supreme Court remain unclear without a permanent constitution. The court system has begun to recuperate, with some functioning courts in city centers trying ordinary cases. However, investigations into a large number of cases involving torture and extrajudicial executions before and during the civil conflict, including the killing of Mu'ammarr al-Qadhafi, have made little progress, and thousands of individuals remain in government or militia custody without any formal trial or sentencing. Among these detainees are high-profile suspects like Saif al-Islam al-Qadhafi, a son of Mu'ammarr al-Qadhafi's, and former Qadhafi intelligence chief Abdullah al-Senoussi, who was extradited from Mauritania in September 2012. The Libyan government was still contesting the International Criminal Court's efforts to gain custody of and try Saif al-Islam at the end of 2013, but the court ruled in October that al-Senoussi could be tried in Libya. Both trials were still pending at year's end.

Abuses including arbitrary detention and torture, by both state and nonstate actors, continued to be reported in 2013. The year also featured an increase in assassinations, mostly targeting former members of the Qadhafi-era security forces in Benghazi and Derna, where Islamist militias are active. Human Rights Watch reported in August that more than 50 such killings had occurred since 2011. In the absence of a functioning police force and a capacity for witness protection, none of these murders have been fully investigated. The only suspect arrested by the end of 2013 escaped from custody.

In another sign of deficiencies in the rule of law, U.S. special forces entered Tripoli in October and seized Abu Anas al-Libi, who is suspected of involvement in the 1998 bombings of two U.S. embassies in East Africa. An American teacher was shot and killed near his home in Benghazi in December, reportedly in retaliation for al-Libi's capture.

Libyans from certain tribes and communities – often those perceived as pro-Qadhafi – have faced discrimination, violence, and displacement since the civil war. Migrant workers from sub-Saharan Africa have also been subject to discrimination and mistreatment, particularly at the hands of militia groups during and after the civil conflict.

G. Personal Autonomy and Individual Rights: 6 / 16

Freedom of movement is guaranteed by the interim constitution, but limitations have been imposed for individuals suspected of having ties with the previous regime. Government and militia checkpoints also restricted movement in 2013, particularly in the south, while poor security conditions more generally affected movement as well as access to work and education. There were reports of discrimination against the Tebu and Tuareg minorities in employment, housing, education, and other services.

Women enjoyed many of the same legal protections as men under the Qadhafi regime, but certain laws and social norms perpetuated discrimination, particularly in areas such as marriage, divorce, and inheritance. Extramarital sex is punishable with up to five years in prison, and this includes same-sex activity. The GNC has made some limited efforts to address gender inequality, but formal legal changes have yet to be made. There are reports that threats and harassment against women, especially against activists, are increasing.

Libya was rated a Tier 3 country in the U.S. State Department's 2013 *Trafficking in Persons Report*, which described widespread forced labor and sexual exploitation among trafficking victims from sub-Saharan Africa. The country lacks comprehensive laws criminalizing human trafficking, and the authorities have been either incapable of enforcing existing bans or complicit in trafficking activity.

Scoring Key: X / Y (Z)

X = Score Received

Y = Best Possible Score

Z = Change from Previous Year

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